

**PROPOSED REGULATION OF THE  
NEVADA TRANSPORTATION AUTHORITY OF  
THE DEPARTMENT OF BUSINESS AND INDUSTRY**

**LCB File No. R 169-09**

(November 17, 2009)

EXPLANATION—Matter in *italics* is new; matter in brackets [~~omitted material~~] is material to be omitted.

AUTHORITY: §§1, 5-9, 11-16, and 27, NRS 706.171; §§2 and 17, NRS 706.171, 706.173, and 706.692; §§3 and 10, NRS 706.171 and 706.321; §4, NRS 706.171 and 706.475; §18, NRS 706.171, 706.173, and 706.475; §§19-25, NRS 233B.050 and 706.171; §26, NRS 706.171 and 706.321; §27, NRS 706.171 and 706.4477.

A REGULATION relating to motor carriers; adding non-emergency medical transport as an operating authority; requiring time clocks for tracking driver hours; setting forth fuel surcharge rates for charter limousine carriers; adding language defining when a taxicab driver is on duty and working his shift; changing the information required for filing tariff and contract modifications with the Nevada Transportation Authority; requiring authorized carriers to provide copies of periodic inspection reports to the Nevada Transportation Authority; clarifying provisions related to leasing replacement equipment and limiting vehicle leases for replacement equipment; increasing the number of contracts a contract carrier may enter; allowing tow car operators to deviate from tariff rates if certain requirements are met; removing conflicting language from interruption of service provisions; clarifying that a trip sheet must be in the possession of a taxicab driver during his shift; requiring taxicab drivers maintain valid medical certifications in their possession while on duty; changing number of copies to be provided to the Nevada Transportation Authority when filing certain documents from fixed to “as requested”; clarifying what constitutes “substantial reason” for delay in filing a petition for leave to intervene; setting forth the amount of time the Nevada Transportation Authority or presiding officer has to address petitions for leave to intervene; requiring tow car operators to maintain a log of visits to a stored vehicle by the owner of the vehicle or his authorized agent; requiring that signs displayed on private property include the name and telephone number of tow car operators responsible for tows from the private property; allowing remuneration by a tow carrier to certain law enforcement agencies for tow referrals; and providing other matters properly relating thereto.

**Section 1.** Chapter 706 of NAC is hereby amended by adding thereto a new section to read as follows:

*“Non-emergency medical transport” means the transportation at a per capita rate of medically stable passengers who require specialized transportation due to an infirmity or physical disability or when the point of destination or point of origin is a source of medical care. The term does not include charter services by bus, charter services by limousine, scenic tours, special services or airport transfer services.*

**Sec. 2.** Chapter 706 of NAC is hereby amended by adding thereto a new section to read as follows:

*An authorized carrier shall provide an appropriate, accurate, and operable time clock for tracking the hours its drivers work. The time clock must be approved by the Nevada Transportation Authority before use by the authorized carrier and the authorized carrier must require its drivers to time stamp at the beginning and end of each of their shifts their charter order, trip sheet, or other document approved by the Authority.*

**Sec. 3.** Chapter 706 of NAC is hereby amended by adding thereto a new section to read as follows:

*1. In addition to the rates outlined in its tariff on file with the Nevada Transportation Authority, a carrier authorized to provide charter service by limousine may charge and collect from its passengers a fuel surcharge as outlined in subsection 2.*

*2. The fuel surcharge will be added on an hourly basis in accordance with the following fuel surcharge table:*

<i><b>Fuel Price:</b></i>	<i><b>Surcharge:</b></i>
<i><b>\$2.65-2.99</b></i>	<i><b>\$3.00</b></i>
<i><b>\$3.00-3.49</b></i>	<i><b>\$4.00</b></i>
<i><b>\$3.50-3.99</b></i>	<i><b>\$5.00</b></i>
<i><b>\$4.00-4.49</b></i>	<i><b>\$6.00</b></i>
<i><b>\$4.50-4.99</b></i>	<i><b>\$7.00</b></i>
<i><b>\$5.00-5.49</b></i>	<i><b>\$8.00</b></i>

<i><b>Fuel Price:</b></i>	<i><b>Surcharge:</b></i>
<i><b>\$5.50-5.99</b></i>	<i><b>\$9.00</b></i>
<i><b>\$6.00-6.49</b></i>	<i><b>\$10.00</b></i>
<i><b>\$6.50-6.99</b></i>	<i><b>\$11.00</b></i>
<i><b>\$7.00-7.49</b></i>	<i><b>\$12.00</b></i>
<i><b>\$7.50-7.99</b></i>	<i><b>\$13.00</b></i>
<i><b>\$8.00-</b></i>	<i><b>\$14.00</b></i>

*3. The amount of the fuel surcharge will be determined as follows:*

*(a) On the twenty-fifth day of each calendar month, the retail price per gallon of regular and the retail price per gallon of diesel fuel will be determined by referring to the United States Department of Energy, Energy Information Administration's survey on Weekly Retail Gasoline and Diesel Prices.*

*(1) The West Coast area average (PADD 5) will be used.*

*(2) The price can be obtained by calling the Department of Energy Fuel Hotline at (202) 586-6966 or via the Department of Energy website at [www.eia.doe.gov](http://www.eia.doe.gov).*

*(3) If the twenty-fifth day of the calendar month is a federal holiday and is the date of publication of the survey, then the price will be determined based on the price available on the following business day.*

*(b) The fuel price on the twenty-fifth of each calendar month will determine the fuel surcharge amount, pursuant to the table set forth in subsection 2 of this section, which will be applicable on the first day of the following month and remain in effect through the last day of that calendar month.*

**4. A charter limousine carrier intending to collect the fuel surcharge shall include the fuel surcharge table and rules as set forth in subsections 2 and 3 of this section in its tariff on file with the Authority.**

**Sec. 4.** Chapter 706 of NAC is hereby amended by adding thereto a new section to read as follows:

***A driver of a taxicab who is operating a taxicab shall be deemed on duty and working his shift and is subject to the provisions of NAC 706.3613 through NAC 706.3762.***

**Sec. 5.** NAC 706.015 is hereby amended to read as follows:

706.015 “Airport transfer service” means the transportation of passengers and their baggage in the same vehicle, except by taxicab, for a per capita charge between airports or between an airport and points and places in this State. The term does not include charter services by bus, charter services by limousine, scenic tours [ø], special services , ***or non-emergency medical transport.***

**Sec. 6.** NAC 706.034 is hereby amended to read as follows:

706.034 1. “Charter service by bus” means the prearranged transportation of persons who have acquired the exclusive use of a bus for a particular itinerary under a single contract and at a fixed charge for the bus, which is consistent with the tariff filed by the carrier, for the duration of the charter.

2. Except as otherwise provided in paragraph (d) of subsection 3, the term includes services sold to a broker at an hourly rate only, for resale by the broker in combination with other services or facilities not related to transportation at per capita rates or at hourly rates, as necessary.

3. The term does not include:

(a) Scenic tours;

(b) Special services;

(c) Airport transfer services;

(d) *Non-emergency medical transport*;

(e) Service which will be resold by the broker for scenic tours [Ø], airport transfer services ,  
*or non-emergency medical transport*; or

[Ø] [f] The carriage of property or cargo not belonging to the group of passengers being transported.

**Sec. 7.** NAC 706.036 is hereby amended to read as follows:

706.036 1. “Charter service by limousine” means the exclusive use of a traditional limousine or livery limousine for the prearranged transportation of passengers and their baggage under a charter order at an hourly rate for a minimum of 1 hour.

2. The term does not include:

(a) Scenic tours;

(b) Special services;

(c) Airport transfer services;

(d) *Non-emergency medical transport*;

(e) Service which will be resold by the broker for scenic tours [Ø], airport transfer services ,  
*or non-emergency medical transport*; or

[Ø] (f) The carriage of property or cargo not belonging to a group of passengers being transported.

**Sec. 8.** NAC 706.112 is hereby amended to read as follows:

706.112 “Scenic tour” means the transportation at a per capita or an hourly rate of passengers to various points of interest for the purpose of sight-seeing or visiting those points of

interest where a narrated tour is presented to the passengers. The term does not include charter services by bus, charter services by limousine, special services [Ø], airport transfer services , ***or non-emergency medical transport.***

**Sec. 9.** NAC 706.119 is hereby amended to read as follows:

706.119 “Special services” means the transportation of persons who have acquired the use of a vehicle for a special event between definite points of origin and destination, at a per capita rate. The term does not include charter services by bus, charter services by limousine, scenic tours [Ø], airport transfer services , ***or non-emergency medical transport.***

**Sec. 10.** NAC 706.1384 is hereby amended to read as follows:

706.1384 1. In addition to the requirements established for pleadings, an application to change the tariff of any motor carrier, issuing agency or agent, including, without limitation, new rates for services authorized under a certificate, and new rules and regulations under a carrier’s tariff, must include as exhibits attached thereto:

(a) A statement in the form of a tariff showing in full the rates or fares or the regulations proposed to be put into effect.

(b) A statement in the form of a tariff showing the rates or fares or the regulations which will be superseded by the proposed tariff.

(c) Such other information as the Authority or the applicant considers to be necessary or appropriate for a complete understanding of the application , ***including, but not limited to:***

(***I***) A complete and accurate statement of the circumstances and conditions relied on as justification for the proposed change, including, without limitation, the following information:

~~[(4)]~~ (i) The change in the total amount of intrastate revenue in the State of Nevada that the proposed rates would have produced if the rates had been in effect during the preceding year.

~~[(2)]~~ (ii) The applicant's reasons that the proposed rates would be reasonable.

~~[(4)]~~ (2) An operating statement for the full 12-month period immediately preceding the date of application, insofar as is practicable.

~~[(e)]~~ (3) A balance sheet for the entire operations of the carrier as of the date of the statement required pursuant to *subparagraph (2) of* paragraph ~~[(4)]~~ (c).

~~[(4)]~~ (4) In any application for any item that has not been included previously in the applicant's tariff, cost data, including, without limitation, a 12-month pro forma income statement, that is sufficient to demonstrate that the proposed rate would be fully compensatory and would not involve an excessive charge.

~~[(g)] Such other information as the Authority or the applicant considers to be necessary or appropriate for a complete understanding of the application.]~~

2. In addition to the requirements established for pleadings, an application for the approval of any revision or modification to a contract submitted by a contract motor carrier to the Authority must include as exhibits attached thereto:

(a) A copy of the proposed contract as revised or modified;

(b) A complete and accurate statement of the circumstances and conditions relied on as justification for the proposed change, including, without limitation:

(1) The change in the total amount of intrastate revenue in the State of Nevada that would have been produced if the contract with the proposed revisions or modifications had been in effect during the preceding year; and

(2) The reasons of the applicant for the revision or modification which demonstrate that the proposed contract as revised or modified would be reasonable;

~~[(c) An operating statement for the entire 12-month period immediately preceding the date of the application, insofar as is practicable;~~

~~—(d) A balance sheet for the entire operation of the carrier as of the date of the operating statement required by paragraph (c);]~~

(e) For any item not included previously in the approved contract of the applicant, cost data, including, without limitation, a 12-month pro forma income statement which is sufficient to demonstrate that the proposed contract as revised or modified would be fully compensatory and would not involve an excessive charge; and

(f) Such other information as the Authority or the applicant considers to be necessary or appropriate for a complete understanding of the application , *including, but not limited to:*.

*(1) An operating statement for the entire 12-month period immediately preceding the date of the application, insofar as is practicable.*

*(2) A balance sheet for the entire operation of the carrier as of the date of the operating statement required by subparagraph (1) of paragraph (f).*

3. Suggested language for the public notice to be published in accordance with NAC 706.1355 may be submitted by the applicant.

4. The provisions of subsection 1 apply to all applications for rate changes made by common and contract motor carriers under the jurisdiction of the Authority.

**Sec. 11.** NAC 706.203 is hereby amended to read as follows:



706.203        1. An authorized carrier operating motor vehicles within this State shall maintain a centralized accounting system and the records required by the Nevada Transportation Authority in a designated headquarters.

2. Except as otherwise provided in subsection 3, all records required by the Nevada Transportation Authority to be maintained by an authorized carrier must be maintained by the authorized carrier for at least 3 years.

3. Driver vehicle inspection reports and records relating to such reports which are required to be maintained pursuant to 49 C.F.R. Part 396 §§11 and 13 must be maintained by the authorized carrier for at least 3 months after the date the written report was prepared.

4. *Within 30 days after the date on which a periodic vehicle inspection is due pursuant to 49 C.F.R. Part 396 §17, an authorized carrier must deliver to the Nevada Transportation Authority a true and correct copy of the periodic inspection report in the form required by 49 C.F.R. Part 396 §17.*

5. All records required by the Nevada Transportation Authority to be maintained by an authorized carrier are subject to inspection or audit by the Nevada Transportation Authority or its designated agent at any time during regular business hours.

**Sec. 12.**        NAC 706.209 is hereby amended to read as follows:

706.209        1. When mechanical or body damage causes equipment to be out of service for at least 3 days, ~~[an authorized]~~ ***a fully regulated*** carrier of property or passengers may ***seek approval from the Chairman or the Chairman's designee to*** lease replacement equipment ~~[on a one for one basis to supplement its fleet up to the entire amount of similar equipment owned and currently operated by the carrier]~~ ***for each item of similar equipment that is out of service, unless such lease would result in the carrier's active, in-service fleet*** under its

certificate or permit *being comprised of more leased replacement items of equipment than items of similar equipment owned by the carrier*. Equipment that is owned by the carrier and used in the services of intrastate transportation in this State must be used to determine what constitutes similar equipment.

2. An authorized carrier shall not lease any kind of replacement equipment to provide transportation if the carrier does not currently own similar equipment.

3. The [Authority] *Chairman or his designee* may approve the lease of replacement equipment *for a period up to 30 days* if, at the time of the lease, the authorized carrier provides, in writing, to the Authority:

(a) Identification, by make, model, license plate and vehicle identification number, of the equipment placed out of service;

(b) Identification of the mechanical or body damage causing the equipment to be placed out of service;

(c) The estimated time during which the equipment will be out of service; ~~and~~

(d) A copy of the lease for the replacement equipment[-] ; *and*

(e) *A statement indicating the total number of leased replacement items that would result from approval of the lease and the total number of currently active, in-service items of similar equipment owned by the carrier under its certificate.*

4. *The Chairman or the Chairman's designee may approve an extension of the lease of a replacement item for a period longer than thirty days if, prior to the expiration of the approved lease set forth in paragraph 3, the carrier submits a detailed explanation of the delay in returning the out of service item of equipment to service and the expected date that the out of service item of equipment will be returned to service.*

5. Notwithstanding any provision of NAC 706.210 or 706.211 to the contrary, leases approved pursuant to this section will not be considered leases for the purposes of NAC 706.210 and 706.211.

**Sec. 13.** NAC 706.232 is hereby amended to read as follows:

706.232 A contract motor carrier shall not:

1. Operate between fixed terminals, provide service over a regular route or operate over the same route or to the same points so frequently as to constitute a regularly scheduled route or service, unless approved by the Transportation Services Authority;
2. Operate in such a manner that would interfere with the operation of a common motor carrier;
3. Conduct any operation as a common motor carrier; or
4. Provide transportation pursuant to more than ~~three~~ six contracts.

**Sec. 14.** NAC 706.274 is hereby amended to read as follows:

706.274 A carrier who obtains a contract permit:

1. May have a contract containing not more than ~~three~~ six shippers or not more than ~~three~~ six contracts, but neither the total number of contracts nor the total number of shippers may exceed ~~three~~ six; and
2. Must present sufficient evidence to the Transportation Services Authority that either the number of contracts held by the contract carrier does not exceed the number of vehicles owned by the contract carrier and that at least one vehicle is dedicated to each individual shipper, or, when the number of vehicles owned by the carrier is less than the number of shippers in a single contract, the contract carrier must explain in the contract how the exclusive use will be provided to the shipper for a continuing period.

**Sec. 15.** NAC 706.311 is hereby amended to read as follows:

706.311 1. Except as otherwise provided in NRS 706.351, an authorized carrier shall not:

(a) Charge, demand, collect or receive a greater, lesser or different compensation for the transportation of persons or property or for any service in connection therewith than the rates, fares or charges applicable to the transportation as specified in its tariffs filed and in effect at the time.

(b) Refund or remit in any manner or by any device any portion of the rates, fares or charges so specified except upon orders of the courts or the Authority or extend to the shipper or person any privilege or facility in the transportation of passengers or property except as specified in the tariffs.

(c) Submit a bid to provide services in any form or manner which is not in conformance with the certificate he holds.

(d) Use any artifice or subterfuge, or billing or accounting practice in lieu of an authorized commission. The fare or rate charged to the passenger or shipper may not be greater than or different from the fare or rate specified in the tariffs in effect at the time because of the authorized commission.

2. An authorized carrier who is a fully regulated carrier may pay a commission or referral fee to a designated agent who arranges for the provision of transportation services by the carrier. Except as otherwise provided in subsection 6, a commission or referral fee authorized pursuant to this subsection must not exceed 10 percent of the rate, fare or charge specified in the carrier's tariffs for the type of service that the designated agent has arranged for the carrier to provide.

3. A designated agent arranging or providing transportation on the vehicles of any certificated motor carrier shall not charge, demand, collect or receive a greater, lesser or different compensation for the transportation of persons or property or any service in connection therewith than the rates, fares or charges specified in the motor carrier's tariffs.

4. All tickets issued by a carrier or its designated agent must identify the charge to the passenger for the service or transportation purchased. That charge may not be different from the tariff on file with the Authority.

5. A carrier that uses or intends to use the services of a designated agent within this State shall keep a complete list of its designated agents which must be made available for review by the staff of the Authority.

6. An authorized carrier that provides scenic tours may pay a commission or referral fee of up to 10 percent to a designated agent who arranges for the provision of scenic tours by the carrier. The commission or referral fee for off-road scenic tours must not exceed 25 percent of the rate, fare or charge specified in the tariffs of the carrier for the scenic tour that the designated agent has arranged for the carrier to provide.

*7. With the written authorization of the Chairman or his designee, the operator of a tow car may deviate with regard to a single towed vehicle from the rates as specified in his tariff upon the operator showing that such deviation is in the public interest and will not operate to defeat the legislative policies set forth in NRS 706.151. At the request of and in the form required by the Authority, the operator must provide all information related to the tow for which the operator is requesting a tariff deviation and shall maintain a copy of the written authorization for tariff deviation with the operator's copy of the tow bill from which deviated.*

**Sec. 16.** NAC 706.356 is hereby amended to read as follows:

706.171           1. Except as otherwise provided in subsection 3, a common motor carrier who is subject to the provisions of NAC 706.010 to 706.4019, inclusive, shall not interrupt any service established pursuant to the provisions of NRS 706.011 to 706.791, inclusive, for more than 48 hours in any 180-day period without filing a petition and obtaining an order granting the petition from the Authority. The Authority will give public notice and, if a protest is filed, hold a hearing on the petition before granting the petition. The Authority may hold a hearing on the petition if no protests are filed. If the Authority does not act on the petition within 45 days after its filing, the petitioner may temporarily suspend operations until a final order is entered by the Authority.

2. A carrier who interrupts such service for less than 48 hours must provide notice to the Authority if the service being interrupted is the transportation of passengers. A notice required pursuant to this subsection must include, without limitation, the justification for the interruption of service. Financial or economic hardship may not be used to justify such an interruption. An interruption of less than 48 hours may not be renewed or extended unless the carrier files a petition and obtains an order in accordance with subsection 1.

3. If an interruption of service for more than 48 hours is caused by an unforeseeable event which is beyond the control of the carrier, the carrier must provide written notice to the Authority within 24 hours after the event. If service is not resumed within 10 days after such an interruption, the carrier must file a petition in accordance with subsection 1.

4. An order of the Authority granting the temporary interruption of service expires 180 days after the date on which the petition was filed. If the carrier has not resumed service on a permanent basis upon the expiration of such an order, the staff of the Authority shall, within 30 days after the expiration of the order, forward a recommendation to the Authority stating whether

the Authority should issue an order to show cause why the ~~[contract-permit-or]~~ certificate of public convenience and necessity of the carrier should not be revoked.

**Sec. 17.** NAC 706.3612 is hereby amended to read as follows:

706.3612 1. A driver of a limousine shall not work a shift longer than 12 consecutive hours unless the driver is involved in a charter or a trip that commenced within a reasonable period before the end of the driver's shift.

2. Notwithstanding any provision of this section to the contrary, a driver of a limousine shall not under any circumstances work longer than 16 hours within a period of 24 consecutive hours.

3. A driver of a limousine who has completed a shift of 12 hours or more:

(a) Shall not resume driving; and

(b) Must not be knowingly allowed or required by his employer to resume driving, unless the driver has been off duty for at least 8 consecutive hours.

4. Except as otherwise provided in subsection 1, a certificate holder shall not knowingly require or allow any driver of a limousine employed by the certificate holder to work longer than 12 consecutive hours.

5. A certificate holder shall provide an appropriate and accurate method *in accordance with Section 2 of this regulation* for tracking the hours that his drivers work. ~~[The method must be approved by the Authority before use by the certificate holder.]~~

**Sec. 18.** NAC 706.376 is hereby amended to read as follows:

706.376 During his shift, a driver of a taxicab:

1. Shall not engage in verbal arguments or acts of physical violence.

2. Shall refrain from backing into position in any taxicab stand.

3. Shall refrain from loading passengers at any establishment where a taxicab stand has been established unless he has been through the rotation of the stand. This provision does not apply when there are no taxicabs on the stand.

4. Shall not allow more than two passengers in the front seat of his taxicab and shall not allow more than five passengers in his taxicab at any one time.

5. Shall not knowingly operate a taxicab equipped with a faulty or inaccurate taximeter or a taximeter that shows signs of having been tampered with.

6. Shall not operate a taxicab in which the taximeter is not sufficiently illuminated or the face of the taximeter is obscured to the extent that the entire fare recording device cannot be easily seen by the passenger.

7. Shall not operate a taxicab in which the taximeter does not have a properly attached seal as affixed by the Authority.

8. Shall not operate a taxicab that does not have properly affixed a valid "TX" plate as issued by the Authority.

9. Shall not operate a taxicab if the driver is suffering from any illness or physical or mental disorder that may impair his ability to operate a taxicab safely.

10. Shall not operate a taxicab while taking drugs that may impair his ability to operate a taxicab safely.

11. Shall keep a complete and accurate trip sheet as prescribed in NAC 706.3747 *in his possession*.

12. Shall not display or distribute any advertising within or on his taxicab that has not been authorized by his employer.



***13. Shall not operate a taxicab without having in his possession a valid certificate from a licensed physician which demonstrates that he is physically qualified to operate a taxicab or commercial motor vehicle in accordance with 49 C.F.R. § 391.43.***

**Sec. 19.** NAC 706.3949 is hereby amended to read as follows:

706.3949 1. A person who requests that information, which is in the possession of the Authority and pertains to that person, not be disclosed must submit to:

(a) The Deputy Commissioner, one copy of the document which contains the information in an unredacted form. The document must be placed in a sealed envelope, and the envelope and each page of the document must be stamped with the word “Confidential.”

(b) The Authority, [~~10 copies~~] ***a copy of the document and additional copies as requested by the Authority, not to exceed 9 additional copies***, which redacts the information for which the confidential treatment is requested.

2. A request that information not be disclosed must be served on the staff of the Authority and must:

(a) Describe with particularity the information to be treated as confidential information;

(b) Specify the grounds for the claim of confidential treatment of the information; and

(c) Specify the period during which the information must not be disclosed.

3. Public disclosure of only those specific portions of a filing which contain information for which confidentiality is requested will be withheld or otherwise limited.

4. If the information for which confidentiality is requested is part of an application, petition or other initial filing, the application, petition or filing must comply with the provisions of this section. The initial notice issued by the Authority pursuant to NAC 706.3937 will state that

certain information contained in the application, petition or filing has been requested to be treated as confidential information.

5. The Authority is responsible for the custody, maintenance and return or disposal of confidential information in the possession of the Authority and will:

(a) Maintain the confidential information separate and apart from all other records of the Authority; and

(b) Adequately safeguard access to such information and ensure that confidential information is not divulged to unauthorized persons.

6. To determine whether to accord confidential treatment to information pursuant to NAC 706.3944 to 706.3954, inclusive, the presiding officer may review the information in camera.

7. A closed hearing held before the presiding officer must be held in accordance with the provisions of NRS 706.1725.

8. Notwithstanding the other provisions of this section, the staff of the Authority is entitled to receive information designated as confidential in accordance with NAC 706.3944 to 706.3954, inclusive, if the staff of the Authority has executed a protective agreement.

**Sec. 20.** NAC 706.3962 is hereby amended to read as follows:

706.3962 Except as otherwise provided in this section, the original and [~~nine~~] legible copies of all pleadings must be filed at the office of the Authority in Las Vegas. ***The number of copies required to be filed shall be as requested by the staff of the Authority, but shall not exceed nine.*** If a written protest is made, only the original is required to be filed. The presiding officer may require the parties to file additional copies if needed.

**Sec. 21.** NAC 706.3967 is hereby amended to read as follows:

706.3967 1. A petition for leave to intervene must be filed with the Authority within any applicable period set in the public notice published in accordance with NAC 706.1355.

2. If a petition for leave to intervene is filed after the applicable period, the petition must state a substantial reason for the delay.

**3. *For purposes of this section, “substantial reason” means a reason that affords a legal excuse as set forth in Rule 60(b) of the Nevada Rules of Civil Procedure.***

**Sec. 22.** NAC 706.3968 is hereby amended to read as follows:

706.3968 1. If a petition for leave to intervene demonstrates that:

(a) Based upon the contents of the petition required pursuant to NAC 706.3966, the petitioner has a direct and substantial interest in one or more of the elements of the proceeding; and

(b) The intervention would not unduly broaden the issues,

↪ the Authority or presiding officer may grant leave for the petitioner to intervene or otherwise to appear in the proceeding with respect to those elements of the proceeding in which a direct and substantial interest is found, subject to such reasonable conditions as may be prescribed by the Authority or presiding officer.

**2. *The Authority or presiding officer shall grant, deny, or set a petition to intervene for further proceedings within 180 days after the date on which the petition is received by the Authority.***

3. If it appears during the proceedings that an intervener has no direct or substantial interest in the proceeding and that the public interest does not require his further participation, the Authority will or the presiding officer shall dismiss the intervener from the proceeding.

**Sec. 23.** NAC 706.3992 is hereby amended to read as follows:

706.3992      1. An exhibit must be limited in size to 8 1/2 by 11 inches when folded, unless otherwise allowed by the presiding officer. A copy of each documentary exhibit must be furnished to each party of record, and ~~[40]~~ copies must be furnished to the Authority ***in the number requested by the staff of the Authority or by the presiding officer, not to exceed 10 copies.*** A copy must be submitted to the court reporter or transcriber. If relevant evidence is included in a written or printed statement, book or document of any kind containing other matter not relevant and not intended to be put in evidence, the statement, book or document containing that other matter may not be received or admitted in whole. Counsel or other parties offering the evidence or exhibit shall present, in convenient and proper form for filing, a copy of the relevant portions or, at the discretion of the presiding officer, read these portions into the record. Any documentary evidence offered, whether in the form of an exhibit or introduced by reference, is subject to appropriate and timely objection.

2. If documents are numerous, such as freight bills or bills of lading, and a party desires to offer into evidence more than a limited number of these documents as typical of the others, an orderly abstract of relevant data contained in these documents may be prepared and offered as an exhibit. Other parties of record may examine both the abstract and the source document.

3. In a proceeding involving detailed accounting exhibits, the presiding officer shall require each party to file with him and to serve on each party of record a copy of these exhibits within a specified time before the hearing to enable the parties of record to study the exhibits and to prepare cross-examination with reference to them. An amendment to an exhibit may be made after the exhibit has been filed with the presiding officer if it does not prejudice the rights of any party or if it corrects a clerical or mathematical error.

**Sec. 24.**      NAC 706.400 is hereby amended to read as follows:

706.400 In a hearing, the presiding officer may order briefs to be filed within a reasonable time. The original and [40] *the number of copies as requested by the presiding officer, not to exceed 10 copies*, of each brief must:

1. Be filed with the Authority;
2. Contain all legal authority cited therein as exhibits; and
3. Be accompanied by an acknowledgment of or an affidavit showing service on each party of record.

**Sec. 25.** NAC 706.4004 is hereby amended to read as follows:

706.4004 1. The presiding officer may require any party of record to file proposed findings of fact and conclusions of law at the close of the proceeding. The presiding officer will fix the period within which these proposed findings and conclusions must be filed. No decision, report or recommended order may be made until after the expiration of this period.

2. Each proposed finding of fact and conclusion of law must be clearly and concisely stated and numbered. Each proposed finding of fact must specifically show, by appropriate references to the transcript, the testimony which supports the statement.

3. An original and [40] *the number of copies as requested by the presiding officer, not to exceed 10 copies*, of proposed findings of fact and conclusions of law, accompanied by a certificate of service, must be filed by each party with the Authority, and one copy must be served upon each party of record.

4. Any party of record may petition the Authority for an extension of time in which to file proposed findings of fact and conclusions of law.

**Sec. 26.** NAC 706.410 is hereby amended to read as follows:

706.410            1. If an operator of a tow car includes in his tariff a fee to be charged the owner of a towed vehicle for the storage of the vehicle, the fee may not be charged:

(a) For more than 15 days, unless the operator complies with the requirements set forth in NAC 706.432;

(b) If the owner of the vehicle, his agent or the driver of the vehicle arrives at the place of storage to secure its release before the towed vehicle is placed in storage; or

(c) If the tow was under Category C and is released to the owner or his agent within 24 hours after the vehicle is towed. The charge for the first 24 hours of storage of a vehicle towed under Category C must be included as part of the flat rate charged for the tow.

2. If an operator of a tow car includes in his tariff a fee for allowing the owner of a towed vehicle or his agent to have access to a vehicle held in storage, that fee may not be charged the first time the owner or his agent visits the stored vehicle or when the vehicle is being claimed by the owner or his agent. The operator of a tow car shall not deny the owner of the stored vehicle or his agent reasonable access to the vehicle unless required to do so by a law enforcement agency. The operator of a tow car may require the fee charged for visiting a stored vehicle to be paid in advance of the visit. ***The operator of a tow car shall maintain a written log each time the owner of the stored vehicle or his agent visits the vehicle and when the vehicle is being claimed by the owner or his agent. The log shall include the date and time of the visit and the name and signature of the person visiting the stored vehicle.***

3. The operator of a tow car may include in his tariff a charge for opening a secured facility for storage after normal business hours to release or allow access to a towed vehicle. Normal business hours shall be deemed to be between 8 a.m. and 5 p.m. on Monday through Friday, excluding legal holidays. Such a charge is in addition to any other charge for storage or access to

the vehicle. The operator of a tow car may require that the charge for opening a secured facility for storage be paid in advance of opening the facility.

**Sec. 27.** NAC 706.427 is hereby amended to read as follows:

706.427 1. Except as otherwise provided in subsection 7, an operator of a tow car shall not tow a vehicle from private property at the request of the owner or person in lawful possession of the property, or a designated agent of the owner or person in lawful possession of the property, unless a sign is displayed on the property in accordance with the provisions of NRS 487.038, any applicable municipal and county ordinances and subsection 6.

2. In residential complexes, reserved parking spaces and areas in which parking is prohibited must be clearly marked.

3. The staff of the Authority will, upon request by the operator of a tow car:

(a) Verify by inspection a map of each property from which tows may be made which is submitted by the operator; and

(b) Send a letter to the operator describing the size, color, number and placement of the sign or signs on each property and stating whether the sign or signs are in compliance with this section.

4. If a sign is removed, destroyed or damaged, it must be replaced or repaired within a reasonable time.

5. The Authority may grant a waiver from any of the provisions of this section if, upon application of the operator of a tow car or the owner or person in lawful possession of the property from which tows are made, it determines that a waiver is in the public interest.

6. A sign or signs displayed on a parking lot pursuant to subsection 1 must:

(a) Be printed with contrasting background and lettering;

(b) Use readable lettering;

(c) Be placed on the parking lot in such a manner that it is in the field of view of all drivers entering the lot;

(d) Be of sufficient quantity to notify all users of the lot of the parking restrictions; ~~and~~

(e) Include the name and telephone number of the local law enforcement agency which is to be notified of a tow [-] ; *and*

*(f) Include the name and telephone number of the tow car operator responsible for nonconsensual towing from the parking area.*

7. This section does not apply:

(a) If the owner or person in lawful possession of private property, or the designated agent of the owner or person in lawful possession of the property, has entered into a written contract with the owner of the vehicle which describes the circumstances under which a vehicle may be towed;

(b) If the owner or person in lawful possession of private property, or the designated agent of an owner or person in lawful possession of the property, requests that the vehicle be towed because it is parked in a “no parking” area, such as a marked fire lane, red zone, travel lane of a roadway, driveway, lawn or any other area commonly recognized as a “no parking” area;

(c) To the towing of a vehicle at the direction of a peace officer; or

(d) To the towing of a vehicle from an unimproved area or an area where no sign is displayed if a notice has been posted on the vehicle for not less than 24 hours.

~~[8. As used in this section, “staff of the Authority” means persons employed by the Authority.]~~

**Sec. 28.** NAC 706.442 is hereby amended to read as follows:



706.442        *1.* The operator of a tow car shall not give any remuneration or other consideration to any person who requests, authorizes or in any way notifies the operator of a potential tow. Providing signs to a property owner which display the name, address and telephone number of the operator of a tow car is not remuneration for the purposes of this section.

*2. This section shall not prohibit the payment of amounts charged pursuant to a contract with a law enforcement agency or in accordance with state, local, or municipal law to the operator of a tow car by a law enforcement agency requesting a tow.*